

House Republican Press Release

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Rep. Boucher Lauds Final Passage of “Salamander” Bill, Zoning Measure



In the final two hours of the regular 2004 legislative session, State Rep. Toni Boucher, R-143rd, Wilton, Norwalk, thanked the House for giving final approval to two bills responding to major Wilton development issues.

The first, Senate Bill 445, clarifies that town wetlands commissions may deny building applications due to the presence of animal wildlife that affect the wetlands, as well as aquatic or plant life. The bill responds to a court case, *Avalonbay Communities, Inc.*, that ruled the Wilton Inland Wetlands Commission could not deny a development application based on the presence of animal wildlife, such as the spotted salamander.

“This is a very important win that validates the very bold move of the wetlands commission to deny a large development application,” said Rep. Boucher. “This helps validate their position.”

“This was jokingly called the Wilton spotted salamander bill,” said Rep. Boucher. “Wilton town leaders may wish to adopt the salamander as the official town mascot because it has proved very important to this case. It certainly has my vote!”

About an hour earlier, Rep. Boucher hailed passage of a bill to address a state Supreme Court decision that said builders must follow only the zoning rules in effect when property was originally subdivided, some 50 years ago.

The state House of Representatives approved that measure, SB 448, in the final hours of the 2004 legislative session, requiring construction to conform to current town and city zoning requirements.

“After two years of hard work by many legislators, the *Poirier V. Wilton* landmark Supreme Court case that ruled against the town’s position has been rectified,” said Rep. Boucher. “I am pleased that SB 448 that many of us co-sponsored for our towns has passed both houses and now goes to the governor for his signature.”

The court decision had affected construction in communities throughout the state, said Rep. Boucher.

Rep. Boucher added, “The court decision had interpreted a little-known 1984 state law as granting an exemption to subdivisions from any changes in zoning regulations after the date of the subdivision. That ruling had thrown a half-century of local planning and zoning laws into turmoil.”

She added, “It had been difficult to convince many urban legislators to vote in favor of this bill in the past because they were not in favor of any proposal that might be perceived as limiting development. This bill was crafted in such a way to address their concerns as well as rectify the problems that the Supreme Court decision created, not only in Wilton but in communities all over the state.”

“Fortunately, the situation will now be corrected,” said Rep. Boucher, “and developers will be bound by the most current zoning laws, regarding size of houses, lot coverage, setbacks and other requirements.”

Both bills are expected to be signed into law by the governor.